

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

OCTOBER 19, 2010

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Sturtz. Superintendent Huskey, Major Poindexter and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Matt Price, Grant Monahan, Jeff McKean, Jim Purucker, Trevor Vance, Connie Vickery and John Barnett were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the October 5, 2010 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the October 19, 2010 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR46-88153 SULLY'S HANNA HUB, INC. – Vice Chairman Johnson moved to reject the Parties Agreed Disposition regarding this permittee and return it to the Prosecutor for renegotiation. Commissioner Sturtz seconded. The motion was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Two hundred seventy-six (276) renewals approved, thirty-six (36) new and/or transfer permits approved, eleven (11) permits approved for catering, three (3) permits approved for first year escrow, four (4) permits approved for second year escrow and two (2) permits approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR45-06950 SUSKO CORPORATION – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairman Johnson moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-27218 TH MIDWEST, INC., D/B/A TURKEY HILL MINIT MARKETS – Vice Chairman Johnson noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Vice Chairman Johnson moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR29-22144 SITEWORKS REALTY CORPORATION – Executive Secretary Dunsmore stated he recommends the Commission table this matter until the next meeting, so counsel can have a chance to gather any information that may provide guidance for the Commission as they decide what action should be taken in this matter. Because he spoke with counsel for the permittee just yesterday, there probably wasn't ample time for counsel to get with his client.

Vice Chairman Johnson moved to table this matter until the next meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR84-06156 IRISH DUCK, INC. – Major Poindexter noted this is a transfer of ownership that was recommended to be approved by the local board. However, a week prior to the local board meeting, a fatality occurred and this establishment has been cited for sales to an intoxicated person regarding that fatality. The local board did not have that information when the vote took place. The Major requested the Commission remand this transfer to the local board for reinvestigation, pending settlement of this violation.

Vice Chairman Johnson moved to remand this transfer to the local board. Commissioner Sturtz seconded. The motion was approved unanimously.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make seventy-two (72) permits inactive. Seventy-one (71) permits are not subject to auction and one (1) permit is subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

RR22-20453 CHIQUITO'S, INC. – Vice Chairman Johnson stated the Commission sent this permittee a letter setting this date for a revocation hearing, due to the permit being in escrow for five years. The owner was present for the meeting.

The owner stated the permit was put into use from February 2010 to June 2010. He also stated he had to close the establishment because he wasn't making any money. The owner would like the Commission to give him a couple of extra months to find a location and put this permit into use.

The Commission recessed the meeting, while Executive Dunsmore reviewed the file. After reconvening, Executive Secretary Dunsmore recommended the Commission allow this permittee until February 28, 2011, to find a new location and put the permit into use.

Vice Chairman Johnson moved to adopt the recommendation of the Hearing Judge and allow the permittee until February 28, 2011, to put the permit into use, but no longer. Chairman Snow seconded. The motion was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

NOVEMBER COMMISSION MEETING – Chairman Snow stated the next meeting will be held on Wednesday, November 3, 2010 at 10:00 a.m., due to the Election Day holiday.

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER